IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1110/2000

JAGDISH PRASAD DAGUR Vs. THE STATE OF RAJASTHAN & ANR.

Date: 07.12.2006.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioner
Mr. B.S. Chhaba, Addl. GA for the State.

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Brief facts of the case are that the petitioner applied pursuant to the advertisement issued by the Zila Parishad, Sawai Madhopur for appointment on the post of Teacher Grade-III in the year 1996. By way of Notification 93 posts were advertised and the qualification required was Higher Secondary and B.Ed.

The Chief Executive Officer vide letter dated 16.09.99 asked for instructions from Director and Special Secretary, Panchayati Raj Department, Rajasthan, Jaipur that in 1996 only 93 posts of Teacher Grade-III were advertised but in new session of 1996-97 till April, 1997 total vacancies were created as 232 in number so whether the appointment be given on 93 vacancies and 232 vacancies. The State Government vide Notification dated 03.11.99 given the benefit of

reservation to the petitioner and after giving appointment to the candidates on vacancies of 232 posts, the Panchayati Raj Department has created new more posts in April, 2000, which are total in number 69 on Teacher Grade-III for Zila Parishad, Sawai Madhopur. The appointments on 69 posts are given out of the merit list prepared in 1998. Vide Notification dated 03.11.99 the petitioner has been included in Other Backward Class, but the respondents are not giving the benefit to the petitioner being a OBC candidate on newly created 69 posts though the merit list was prepared in the year 1998, therefore, this writ petition has been preferred by the petitioner seeking writ, order or direction directing the respondents to give the benefit of OBC reservation to the petitioner as per the Notification dated 03.11.99 on the post of Teacher Grade-III on newly created 69 posts.

It is not disputed that selections were made pursuant to the advertisement issued by the Zila Parishad, Sawai Madhopur in the year 1996 and interviews were conducted and merit list was prepared on 23.03.98. By that time the Notification dated 03.11.99 was not in force, therefore, the petitioner is not entitled to get the benefit of the Notification dated 03.11.99. Selections were made in the year 1998

against the advertisement issued in the year 1996 and it was not made effective with retrospective effect.

Thus, nothing wrong is committed by the respondents by not considering the case of the petitioner as his name does not find place in the merit list.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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